



UNITED STATES BANKRUPTCY COURT
Northern District of California
U.S. Courthouse and Federal Building
280 South First Street Room 3035
San Jose, California 95113-3099
(408) 535-5118

FILED

2008 APR -3 A 11:20

RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
N.D. DIST. OF CAL. S.J.

Gloria L. Franklin
Clerk of Court

Richard W. Wieking, Clerk
United States District Court
280 South First Street
San Jose, CA 95113

Re: *Case Name: The Billing Resource*
Case Number: 07-52890-ASW
Adv. Case Name: The Billing Resource v David R. Chase et al
Adv. Case Number: 7-5156-ASW
Bankruptcy Judge Name: A. S. Weissbrodt
District Court #: C08-01637-JF

3
L.H.

Dear Mr. Wieking:

[] Enclosed please find the Notice of Appeal, certified copy of the docket and order being appealed and related papers from BAP and designated items to form the record on appeal for assignment to a district court judge.

[] Enclosed please find a conformed copy of the Notice of Appeal, Election to District Court document, as well as a certified copy of the docket and order being appealed for assignment to a district court judge.

[] Enclosed please find a conformed copy of the Notice of Appeal, Election to District Court document, a certified copy of the docket, the order being appealed, as well as Motion for Leave to Appeal / **Non-Final Order/Judgment** for assignment to a district court judge.

[X] Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.

[X] Enclosed please find the Appellant's Designation of Record.

[] Enclosed please find the Appellee's Designation of Record.

☒ Enclosed please find the Statement of Issues.

☐ Enclosed please find the Motion for Leave to Appeal / *Non-Final Order/Judgment*.

☐ Other.

Please acknowledge receipt of this appeal by stamping the district court case number on a copy of this letter and return it to [Deputy Clerk] .

Gloria L. Franklin, Clerk
United States Bankruptcy Court

Dated: April 3, 2008

By: _____
Janet Dustin, Deputy Clerk

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9 ATTORNEYS FOR
10 FEDERAL TRADE COMMISSION

11 **UNITED STATES BANKRUPTCY COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 IN RE

15 THE BILLING RESOURCE, dba Integretel, a
California corporation,

16 Debtor

17
18 THE BILLING RESOURCE, dba
19 INTEGRETTEL,
a California corporation,

20 Plaintiff,

21 v.

22 FEDERAL TRADE COMMISSION, and DAVID
23 R. CHASE, not individually, but solely in his
capacity as receiver for Nationwide Connections,
24 Inc., Access One Communications, Inc., Network
One Services, Inc., 411TXT, Inc.,
25 CELL-INFOUSA, INC., Enhanced Billing
Services, Inc., Toll Free Connect, Inc., Cripple
26 Creek Holdings, LLC, Built to Last, LLC, Not
Fade Away, LLC, He's Gone, LLC, The Other
27 One, LLC, Turn on Your Love Light, LLC, China
Cat Sunflower, LLC, Lazy River Road Holdings,
28 LLC,

Defendant.

Case No. 07-52890
Chapter 11

Adv. Pro. No. 07-05156

**APPELLANT FEDERAL TRADE
COMMISSION'S DESIGNATION
OF RECORD AND STATEMENT
OF ISSUES ON APPEAL**

Pursuant to Fed. R. Bankr. P. 8006, Appellant Federal Trade Commission (the "FTC") hereby submits its designation of record and statement of issues on appeal from the Bankruptcy Court's Order Granting Motion for Preliminary Injunction dated March 18, 2008 [DE 154]. The FTC filed a Notice of Appeal of that Order and a related Statement of Election on March 21, 2008 [DE 157, 158]. The appeal has been docketed as *The Billing Resource v. Chase*, No. 5:08-cv-01637-JF (N.D. Cal.).

I. Designation of Record

A. *The Billing Resource v. David R. Chase*, Adv. Proc. No. 07-5156 (Bankr. N.D. Cal.)

<u>Filing Date</u>	<u>#</u>	<u>Docket Text/Description</u>
12/4/07	85	Transcript of November 27, 2007 Hearing
12/14/07	99	Transcript of November 26, 2007 Hearing
12/14/07	100	Transcript of November 21, 2007 Hearing
2/22/08	139	Declaration of Ken Dawson
2/29/08	144	Declaration of Robert Schoshinski
3/5/08	146	Declaration of Neal Goldfarb
3/18/08	154	Order Granting Motion for Preliminary Injunction
3/19/08	155	Transcript of March 7, 2008 Hearing
3/21/08	157	Notice of Appeal of Federal Trade Commission

B. *In re The Billing Resource*, No. 07-52890 (Bankr. N.D. Cal)

<u>Filing Date</u>	<u>#</u>	<u>Docket Text/Description</u>
3/26/08	518	Transcript of February 20, 2008 Hearing

C. Other

Copy of 11th Circuit Docket in *FTC v. Nationwide Connections, Inc., et al*, No. 07-14531-EE (11th Cir.) (pending appeal)

1 **II. Statement of Issue on Appeal**

2 Whether the bankruptcy court abused its discretion in its March 18, 2008, order extending the
3 preliminary injunction enjoining the Commission from prosecuting its civil law enforcement
4 action against Integretel?

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7 Dated: March 31, 2008

Respectfully submitted,
WILLIAM BLUMENTHAL
General Counsel

8
9 /s/ Michael P. Mora
10 LAWRENCE DeMILLE-WAGMAN
11 JOHN ANDREW SINGER
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21 ATTORNEYS FOR
22 FEDERAL TRADE COMMISSION

23 CERTIFICATE OF SERVICE

24 I hereby certify that I served a copy of the foregoing APPELLANT FEDERAL TRADE
25 COMMISSION'S DESIGNATION OF RECORD AND STATEMENT OF ISSUES ON
26 APPEAL on March 31, 2008, on the following as indicated:

27 Via the Court's Electronic Case Filing system:

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1 Via regular U.S mail:

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Receiver in Case No. 06-80180-CIV-RYSKAMP
U.S. District Court for the Southern District of Florida

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/s/ Michael Mora

Michael Mora